

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY BRENT BANKS,

Petitioner,

Case No. 1:14-cv-745

v.

Honorable Paul L. Maloney

JEFFREY LARSON,

Respondent.

ORDER TO FILE SECOND AMENDED PETITION

This is a habeas corpus action filed by a state prisoner pursuant to 28 U.S.C. § 2254. All applications for habeas corpus relief must be submitted on the form petition provided by this Court. *See* Rule 2(d), RULES GOVERNING § 2254 CASES; W.D. Mich. LCivR 5.6(a). In his initial petition, Petitioner filed on the requisite form, but he omitted the entire section concerning the issues he intends to raise on habeas review. It also was unclear from the petition whether Petitioner intended to challenge his conviction or his parole revocation. As a consequence, in an order issued July 23, 2014, the Court directed Petitioner to file an amended petition on the form within 28 days. In that order, the Court specifically instructed Petitioner that he must carefully fill out the form, answering all questions. In addition, in bold typeface, the Court expressly advised Petitioner that, because the amended petition would take the place of the original petition, the amended petition must set forth all of the grounds for relief that Petitioner intended to raise.

On August 19, 2014, Petitioner filed his amended petition. That amended petition wholly failed to comply with the Court's July 23, 2014 order. Petitioner answered very few of the

questions contained in the form petition. Instead, Petitioner simply instructed the Court to consult his first petition or one of his attachments.

Despite Petitioner's failures to date, the Court will allow Petitioner one more chance to file a proper amended petition on the form. If Petitioner wishes to proceed with his action, he must carefully fill out a second amended petition on the form and submit it to the Court. Petitioner must answer every question on the form itself, without reference to attached documents. The Court directs the Clerk to send to Petitioner yet another copy of the form petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. Petitioner shall submit a second amended petition by filing his habeas petition on the requisite form **within 28 days from the date of entry of this order**. The case number shown above must appear on the front page of the second amended petition. Petitioner must file an original and one complete copy of the second amended petition and any *new* attachments. Petitioner need not re-submit supporting materials filed with the original petition. **Because the second amended petition will take the place of the original petition and the first amended petition, the second amended petition must set forth all of the grounds for relief that Petitioner intends to raise.** If Petitioner fails to submit a second amended petition in proper form within the time allowed, the petition will be dismissed without prejudice by the Court.

IT IS SO ORDERED.

Dated: September 30, 2014

/s/ Phillip J. Green
Phillip J. Green
United States Magistrate Judge